

REMARKS

The applicant respectfully requests reconsideration in view of the amendment and the following remarks. The applicant has incorporated the feature of claim 23 into claim 11. Support for newly added claim 26 can be found in claims 11, 13, 14 and 15. The applicant has added one claim and cancelled two claims. Claims 1 and 26 are the independent claims. No additional fee is required for the amendment to the claims.

Claims 16, 18, 20, 22 and 24 are objected to under 37 CFR 1.75(c) as being of improper dependent form for failing to further limit the subject matter of previous claims. Claim 13 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 17 of copending Application No. 10/564,700 ("700 application"). Claims 11-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vandenhende et al. (U.S. Patent No. 2003/0119925)("Vandenhende"). Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vandenhende in view of Rosano (US 4,246,499) ("Rosano"). The applicant respectfully traverses these rejections.

Objection under 37 CFR 1.75(c)

Claims 16, 18, 20, 22 and 24 are objected to under 37 CFR 1.75(c) as being of improper dependent form for failing to further limit the subject matter of previous claims. The Examiner also states that claim 16 includes every limitation of the parent claim 15. Claims 18, 20, 22, and 24 depend on claim 16 which is of improper dependent form. Thus, these claims are not treated under merit. The applicant amended claim 16 to be dependent on claim 14 instead of claim 15.

Double Patenting rejection

Claim 13 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 17 of copending Application No. 10/564,700 ("700 application"). The applicant cancelled claim 17 in the '700 application. For the above reasons, this rejection should be withdrawn.

Rejection over Vandenhede

Claims 11-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vandenhede. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vandenhede in view of Rosano. The PCT counterpart of Vandenhede is cited at page 1, lines 13-16 and page 9, lines 13-15 of the specification.

As the Examiner correctly recognized Vandenhede only teaches to use a (one) dispersing agent and that he does not suggest using 2 different ones (see page 4 of the Office Action). The Examiner cites *In re Kerkhoven* for the premise that the Vandenhede can be read to teach two different dispersing agents. *In re Kerkhoven* does not stand for the proposition that if a reference teaches only having one component (a) then the references teaches that there could be a mixture of two different components (a).

The applicant believes that Vandenhede gives no motivation to use 2 different dispersing agents. Furthermore, the applicant believes that the data in the specification show unexpected results with ASG/d (see page 11). The Examiner will note that if comparative R3 is compared to example 9 that the results are unexpectedly better for ASG/d when using 18 weight % PVC. For the above reasons, this rejection should be withdrawn.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 05129-00117-US from which the undersigned is authorized to draw.

Dated: September 29, 2008

Respectfully submitted,

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